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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Durban, 31 August – 7 September 2001
Item 9 of the provisional agenda

CONFERENCE THEMES

NGO contributions

Contribution* submitted by the Netherlands Centre for Indigenous Peoples

The secretariat has received the following written statement, which is transmitted to the World Conference.

* This contribution is issued, unedited, as received from the submitting non-governmental organization.

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ENG

STATEMENT ON THE WORLD CONFERENCE AGAINST RACISM OF THE INDIGENOUS PEOPLES' MILLENNIUM CONFERENCE PANAMA CITY, PANAMA, 7-11 MAY 2001

We, the Indigenous Peoples of all regions of the world including the Arctic, Africa, Russia, the Americas, Europe, Asia and the Pacific attending the Indigenous Peoples' Millennium Conference in Panama City, Panama, 7-11 May 2001, have examined and endorse the following statements from Indigenous Peoples, their representatives and organizations, made in preparation for the World Conference against Racism, to be held in Durban, South Africa:

Community Consultation on Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Kampala, Uganda, 30 April-3 May 2001;

Indigenous Peoples and Racism Conference: Regional meeting of Indigenous Peoples of Australia, New Zealand, Hawaii and the United States, held in Sydney, Australia, 20-22 February 2001;

Declaration of Indigenous Peoples of the Americas adopted in Santiago de Chile, 5-7 December 2000;

The Abokobi Declaration adopted in Ghana, 7-10 April, 2001;

The Kidal Declaration adopted in Kidal, Mali, 8-13 January 2001.

We believe that these declarations form a consensus of the hopes and aspirations of the Indigenous Peoples of the world, and we emphasize their call for the end of racial discrimination against Indigenous Peoples in all its forms.

We note particularly the Declaration of Indigenous Peoples of the Americas, and its finding that racial discrimination, xenophobia and related forms of intolerance are characteristics of dominant Western ideology and are reflected in the relationship Western society has maintained with the Indigenous Peoples of the world, constituting a historical problem with deep roots in colonialism and the enslavement of entire peoples, a problem that continues to this very day, denying Indigenous Peoples their right of self-determination.

We also note that racism, racial discrimination, xenophobia and related intolerance are characteristics of dominant societies all over the world and are the main sources of all forms and manifestations of colonization, denying Indigenous Peoples the right of self-determination.

We recognize that colonialism in all its expressions continues to rob us of our ancestral knowledge, cultural and spiritual practices, of our economies and way of life of our Peoples, as well as our cultural and intellectual heritage which forms a part of our spirituality. It is the cause of the loss and ruination of our sacred places, the loss of our traditional health practices and traditional knowledge, and even now extends to the loss of our plant, animal and human genetic resources.

We also call upon States to comply with their sacred trust and to guarantee the right of decolonization and self-determination to all Indigenous Peoples in non-self-governing territories.

We find it is finally time to deal fairly and in good faith with Indigenous Peoples. We call upon States to recognize that Indigenous Peoples are "Peoples" within the full meaning that attaches to that term under international law. We condemn the continued denial of the recognition of Indigenous Peoples as having the rights of all other Peoples. We consider the continued denial of this recognition an act of racial discrimination by the States within the United Nations itself, as this refusal is a distinction based on race or ethnic origin which has the purpose of nullifying or impairing all other human rights of Indigenous Peoples.

Unless the World Conference against Racism recognizes the following principles with regard to Indigenous Peoples, it cannot hope to address the racial discrimination practised against Indigenous Peoples or fashion any realistic solutions to end the practice:

1. Indigenous Peoples are Peoples within the full meaning of international law.

2. Indigenous Peoples have the right of self-determination to the same extent as all other peoples of the world.

3. The World Conference against Racism must reiterate the principles established at the first two World Conferences to Combat Racism and Racial Discrimination, recognizing the special physical and spiritual relationship between Indigenous Peoples and our lands and territories, and stressing that our lands and natural resources should not be taken from us.

4. In all measures to be taken by States that may affect Indigenous Peoples, consultation in good faith must be undertaken by the State with the Indigenous Peoples affected and such measures not implemented without our free and informed consent.

5. The World Conference against Racism must call upon States to end the militarization of Indigenous Peoples' lands and territories and the forced relocation of Indigenous Peoples. The grave situation of the militarization of indigenous lands and territories, and resultant gross and massive violation of our civil, political, economic, social and cultural rights must end. Indemnification for damages and material losses during Indigenous Peoples' forced displacement should be made.

6. Religious intolerance towards Indigenous spiritual practice has been a fundamental instrument in the subjugation of Indigenous Peoples since the beginning of colonialism. The World Conference must recognize the persistent evil of religious intolerance towards Indigenous spiritual practice and belief and make concrete proposals to end this widespread and persistent form of xenophobia.

7. The World Conference against Racism must recognize and address the new and deadly form of racial discrimination, including institutionalized racism, that is

environmental racism, and the ruination of our lands, waters and our environment by the implementation of development schemes and unsustainable practices such as mining, deforestation, the dumping of contaminated waste, and other land-use practices that do not respect and discriminate against our spiritual beliefs and ways of life, our economies and means of subsistence, our right to health, our very lives and our existence, and our future generations.

Proposals for the Programme of Action of the World Conference against Racism:

We the representatives of Indigenous Peoples and their organizations, participants at the Indigenous Peoples' Millennium Conference have considered basic principles for the taking of concrete steps in our struggle to combat racism and discrimination, and, as a result, recommend to States and other institutions that they incorporate our proposals in the Programme of Action of the World Conference against Racism:

1. Call for a World Conference on Indigenous Peoples.

2. Recommend a comprehensive review of the International Decade of the World's Indigenous People.

3. Recommend to the Secretary-General the development of "principles for the inclusion of Indigenous Peoples' issues into the United Nations programmes and practices".

4. Recommend to the Secretary-General the early establishment of a separate secretariat for the Permanent Forum on Indigenous Issues, and that preference be given to Indigenous candidates in the staffing of the secretariat.

5. Call for the elimination of religious intolerance and the recognition of the right of Indigenous Peoples to our own cultural and religious traditions as well as the right to defend our rituals and spiritual sites.

6. Call for the recognition of the relationship between self-determination, land rights and protection of cultural rights including the need to recognize that discrimination against the use of our language exists.

7. Strongly recommend the adoption of the draft United Nations declaration on the rights of indigenous peoples, approved by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in its resolution 1994/45. The draft Inter-American Declaration on the Rights of Indigenous Peoples of the Organization of American States should be adopted with the full participation of Indigenous Peoples, and must not contain lesser standards than those contained in Sub-Commission resolution 1994/45.

8. Urge the United Nations to effectively implement the Permanent Forum on Indigenous Issues and the position of Special Rapporteur on indigenous issues

and human rights with all necessary funding, and in consultation with Indigenous Peoples.

9. Recommend that States ratify international conventions and agreements protective of Indigenous Peoples' rights, and abide by agreements and treaties signed between States and Indigenous Peoples. States that have not already done so should ratify the International Convention on the Elimination of All Forms of Racial Discrimination and make the declaration under article 14 of that Convention.

10. Recommend that States examine their constitutions, laws and legal systems, and policies to identify and eradicate both explicit and inherent racism towards Indigenous Peoples contained therein.

11. Cease the use of the doctrines of discovery and terra nullius; the prohibitions against the collective ownership of Indigenous land; the doctrine that Indigenous lands can be taken without due process of law or adequate compensation; doctrines which provide for the unilateral extinguishment of Indigenous land rights and title; the presumption that Indigenous Peoples do not own the resources of the subsoil; doctrines that allow concession of Indigenous resources to be made without Indigenous consultation or consent; the denial of legal protection for Indigenous religions, including protection of sacred sites and areas as well as denial of religious practice by Indigenous prisoners; and discriminatory land claim processes.

12. Strongly recommend that States renounce laws and policies that deny or limit indigenous rights over land and its resources, including rights to the resources of the subsoil, submerged lands and wetlands, and affirmatively recognize Indigenous Peoples as the rightful managers of their lands and resources. States should, in consultation with Indigenous Peoples, initiate programmes to demarcate and protect Indigenous territories.

13. Urge States and financial and development institutions to examine their policies and practices that affect Indigenous Peoples to ensure that their policies and practices contribute to the eradication of racism by encouraging the participation of Indigenous Peoples in development projects in accordance with the principle of free and informed consent; by democratizing international financial institutions and transnational corporations by means of enforceable codes of conduct; and by consulting with Indigenous Peoples in any matter that may affect our physical, spiritual or cultural integrity.

14. Recommend that States promote programmes to benefit Indigenous women, with their full participation, to promote their civil, political, economic, social and cultural rights; to end disadvantage due to gender; to urgently resolve problems affecting them in education, employment, health, traditional knowledge, justice, the environment and biodiversity; and to eliminate policies of forced sterilization

and the use of sexual violence as a weapon of war as well as the trafficking of Indigenous women and children.

15. Urge States to commit financial resources to anti-racism education and media campaigns to promote anti-racism awareness, acceptance of diversity, and respect or the cultures of all Indigenous Peoples. In particular, States should promote a real understanding of the dignity and worth of the histories and cultures of Indigenous Peoples.